

REMARKS

Claims 1-33 remain pending in this application. Of those claims, claims 7, 8, 11, 12, 18, 19, 22, 23, 28, 29, 32 and 33 are withdrawn from consideration.

In this response to office action, claims 1, 13 and 24 have been amended. No new matter has been added by these amendments, full support for the amendments being found throughout the originally-filed specification, claims and drawings, especially in the specification on page 6, first paragraph.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 13, 14 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 2,168,910 to Merrill in view of U.S. Patent No. 6,309,392 to Denker. Claims 4-6, 15-17 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merrill in view of Denker and further in view of U.S. Pat. No. 2,459,257 to Wood. claims 9, 10, 20, 21, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merrill in view of Wood and further in view of U.S. Patent No. 5,507,550 to Maloney. In view of the amendments made to the claims herein, applicants respectfully traverse these rejections.

By the amendments herein, each of the claims is now limited to embodiments having "a telescoping mechanism for vertically adjusting the height of the seating surface, the

telescoping mechanism comprising an internal gas cylinder, a valve and a valve opening lever." None of the references cited herein disclose or fairly suggest such a chair and desk combination. Accordingly, the rejection of all of the active claims under 35 U.S.C. § 103 should be withdrawn.

The rejection of claims 3, 13-17, 20, 21, 24-27 and 31 should especially be withdrawn. Each of these claims is directed to an embodiment wherein both the work surface is laterally adjustable and the seating surface is vertically adjustable using a telescoping mechanism comprising an air cylinder, a valve and a valve opening lever. Such embodiments are a radical departure from chair and desk combinations of the prior art in that the embodiments defined in these claims allow each student to quickly and easily adjust the lateral spacing of the work surface and the vertical height of the seating surface upon entering the chair desk combination and/or periodically during the course of the school day. Such a chair desk combination thus offers the student the ability to maximize his or her comfort in the classroom to minimize lapses in his or her attention span and to minimize the temptation to create classroom disruptions brought on by sitting and/or working for long periods of time in relative discomfort.

CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

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